

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

(Tentative) RESOLUTION NO. R9-2004-0384

DESIGNATING A HEARING PANEL TO CONDUCT
ADMINISTRATIVE CIVIL LIABILITY HEARINGS

Whereas, various provision of the Porter-Cologne Water Quality Control Act (Division 7 of the California Water Code) (“Porter-Cologne”) permit or require the Regional Water Quality Control Board, San Diego Region (“Regional Board”) to conduct hearings regarding matters to be considered by the Board; and,

Whereas, The Regional Board typically conducts hearings at scheduled meetings of a quorum of the Board; and,

Whereas, a quorum of the Regional Board consists of five Board members; and,

Whereas, the Regional Board currently only has six Board members who can conduct meetings, of whom three Board members will not be able to do so after November 30, 2004; and,

Whereas, if the Regional Board does not appoint a hearing panel, the full Regional Board must conduct the hearing at a noticed meeting at which a quorum of the Regional Board is present; and,

Whereas, it is advisable for the Regional Board to have the ability to conduct administrative civil liability hearings within the timeframes required by section 13323 in the event a quorum is not present at a regularly scheduled Regional Board meeting.

Now therefore be it resolved, that:

1. The Regional Board appoints Mr. John Minan, Ms. Janet Keller and Mr. Richard Wright to serve on a standing hearing panel that is hereby created to conduct hearings on matters to be considered by the Board.
2. The hearing panel may conduct hearings in conjunction with regularly scheduled meetings of the Regional Board, or at special hearings convened by the committee for the purpose of conducting hearings on matters to be considered by the Board, provided that the panel satisfies all notice and other requirements of the Bagley-Keene Open Meeting Act (California Government Code section 11120 et seq.) and California Water Code section 13228.14.
3. The hearing panel shall not conduct any hearing unless all three panel members are present.
4. Following a panel hearing, the panel shall report its findings with a proposed decision and order to the Regional Board, or to the State Board if the Regional Board cannot

muster a quorum, and shall supply a copy to all parties who appeared at the hearing or requested a copy.

5. The Regional Board shall consider the panel's recommendation at the next Regional Board meeting at which a quorum is present. Panel members may sit as members of the Regional Board in deciding the matter. The Regional Board shall make an independent review of the record and may take additional evidence as necessary. No party who appears before the panel is precluded from appearing at the Regional Board meeting. The Regional Board/State Board may adopt, revise or reject the proposed decision and order of the panel.

This resolution was adopted by the California Regional Water Quality Control Board, San Diego Region, at its regular meeting on October 13, 2004.

JOHN H. ROBERTUS
Executive Officer

Date